

distilled water to equal freshly squeezed Lemon. \* \* \* Packed by Arthur Mitchell Food Products, Inc. Brooklyn, New York."

**RESULT OF INVESTIGATION:** Examination showed that the article was a mixture of reconstituted lemon juice and a substance other than reconstituted lemon juice.

**LIBELED:** 8-16-65, Dist. N.J.

**CHARGE:** 402(b)(1)—when shipped, a valuable constituent, namely, reconstituted lemon juice, had been wholly or in part omitted from the article; 402(b)(2)—a substance other than reconstituted lemon juice had been substituted wholly or in part for reconstituted lemon juice; and 403(a)—the name of the article "Reconstituted Lemon Juice" and other label statements were false and misleading, since they represented contrary to fact that the article was reconstituted lemon juice.

**DISPOSITION:** 2-9-66. Default—ordered delivered to a charitable institution for use and not for resale.

**30500. Dough conditioner.** (F.D.C. No. 51702. S. No. 50-278 B.)

**QUANTITY:** 15 100-lb. bags at Johnstown, Pa.

**SHIPPED:** 7-15-65, from Chicago, Ill.

**LIBELED:** 10-18-65, W. Dist. Pa.; libel amended 10-25-65.

**CHARGE:** 402(a)(3)—contained insects and insect parts while held for sale.

**DISPOSITION:** 11-12-65. Default—destruction.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 30401 TO 30500

### PRODUCTS

	N.J. No.		N.J. No.
Animal Vimin With Kelp	30463	Egg(s), frozen	30443-30457
Barley	30428	shell	30458, 30459
Beans, navy, dried	30429	yolks, frozen, salted	30460
Boston lettuce	30481	Feeds and grains	30461-30463
Butter	30434-30439	Feed, medicated	30462
Buttermilk, dried	30442	Fish and shellfish	30464-30470
Carrots, fresh	30480	Flavors. See Spices, flavors, and	
Catsup, tomato	30487-30489	seasoning materials.	
Cereals and cereal products	30401-30433	Flour	30405-30414
Cheese	30440, 30441	self-rising	30405, 30408
monterey jack	30440	Food additive violations	30461, 30462, 30495
Corn, canned	30472	French dressing	30491
Cornmeal	<sup>1</sup> 30401-30405	Fruits and vegetables	30471-30489
mix	30427	fruit, canned	30471, 30472
self-rising	30405	miscellaneous fruit products	30473-30476
Crabmeat, frozen	30470	tomatoes and tomato prod-	
Dairy products	30434-30442	ucts	30482-30489
Donut mix	30411	vegetables and vegetable prod-	
Dough conditioner	30500	ucts	30477-30481

<sup>1</sup>(30401) Prosecution contested.

# U.S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]  
30501-30600

#### FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were alleged to be adulterated or misbranded within the meaning of the Act, when introduced into and while in interstate commerce, while held for sale after shipment in interstate commerce, or when delivered otherwise than for pay after receipt in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, or consent; (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere; and (3) an injunction proceeding in which a decree of preliminary injunction was issued. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

In addition, there are also reported suits for injunction and declaratory judgment instituted by the manufacturer of special purpose foods and allied products, which suits were dismissed and dismissal affirmed upon appeal.

Published by direction of the Secretary of Health, Education, and Welfare.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., October 14, 1966.

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SECTIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN  
ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 30501-30600

*Adulteration*, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; and Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**30501. Flour, biscuit mix, and cornmeal**, (F.D.C. No. 51222. S. Nos. 72-544 A, 72-547/8 A, 72-550 A, 72-552/3 A, 72-555 A.)

**INFORMATION FILED:** 7-7-65, E. Dist. La., against George W. Groetsch, t/a George W. Groetsch Wholesale Grocer, New Orleans, La.

**ALLEGED VIOLATION:** Between 1-14-64 and 9-10-64, while quantities of flour, biscuit mix, and cornmeal were being held for sale after shipment in interstate commerce, the defendant caused flour to be held in a truck body that was ac-